

## **EXHIBIT 10**

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)  
 ANTITRUST LITIGATION

Case No. C07-5944 SC

**MDL NO. 1917**

Judge: Hon. Samuel Conti

Special Master: Hon. Charles A. Legge (Ret.)

This Document Relates To:  
 ALL ACTIONS

**DECLARATION OF L. THOMAS  
 HEISER IN SUPPORT OF THE  
 HITACHI DEFENDANTS'  
 EVIDENTIARY PROFFER**

**DECLARATION OF L. THOMAS HEISER**

I, L. Thomas Heiser, declare:

1. I am President and Chief Executive Officer of Hitachi Electronic Devices (USA), Inc. ("HED(US)"). I make this declaration in support of the Hitachi Defendants' proffer. I have personal knowledge of the facts contained in this declaration, except for those, if any, based on information and belief, and, if called as a witness, would and could competently testify to them.

2. I have been employed by HED(US) since 1998 and have held a variety of positions within HED(US), including many in sales and management. Prior to my current position, I served as Senior Vice President and General Manager of Sales of HED(US). I have also served on HED(US)'s Board of Directors since April 2008. During my tenure at HED(US), I have held various management positions in which I had direct management responsibility for product development, sales, engineering, and manufacturing. As a result of my long tenure with HED(US) and the various positions I have held within the organization, I am familiar with HED(US)'s historical business, including sales and manufacturing and, in particular, its involvement in the color display tubes ("CDT tubes") and color picture tube ("CPT tubes") (jointly, "CRT") business. In my capacity as President and Chief Executive Officer of HED(US), as well as my service on the Board of Directors of HED(US), I am familiar with HED(US)'s business generally and, in particular, its involvement in the CRT industry.

3. Prior to being employed by HED(US), I was employed by the Electron Tube Division ("ELT Division") of Hitachi America, Ltd. ("HAL"). I began my tenure with the ELT Division in 1986 and held a variety of positions within that organization. During my tenure with HAL's ELT Division, I had direct management responsibility for the ELT Division's sale of CPT tubes and CDT tubes, and my final position within the organization was as Director of Sales for CRT tubes. As a result of my tenure at HAL, I am familiar with the ELT Division's historical business relating to CDT tubes and CPT tubes.

4. HED(US) was founded in February 1990 to manufacture CPT tubes. During all times relevant here, it has been headquartered in Greenville, South Carolina.

#### I. CPT Tubes

5. HAL never manufactured CPT tubes.

6. HAL's ELT Division sold CPT tubes from 1995 to April 1998 in the United States. The ELT Division of HAL sold CPT tubes manufactured by HED(US). As HAL never manufactured CPT tubes, neither did its ELT Division.

7. HED(US) first began manufacturing CPT tubes in December 1991.

8. In April 1998, HAL's ELT Division was merged into HED(US), thereby



1 combining the manufacturing of CPT tubes and sales of CPT tubes and sales of CDT tubes within  
2 HED(US).

3 9. Accordingly, HED(US) sold CPT tubes beginning in April 1998, after HAL's ELT  
4 Division was merged into HED(US).

5 10. HED(US) ceased manufacturing CPT tubes in April 2002.

6 11. HED(US)'s CPT tube customers were located in the United States, Mexico, and  
7 Canada. I am informed and believe that HED(US)'s sales to Canada were to mainly another  
8 Hitachi entity only.

9 12. Based upon my review of HED(US)'s business records, HED(US)'s final CPT  
10 tube sale took place on March 20, 2003. Attached hereto as Exhibit 1 is a true and correct copy  
11 of HED(US)'s CPT tube sales data, Bates labeled HEDUS-CRT00000162, which reflects  
12 HED(US)'s final CPT tube sale.

13 13. After April 2002, when HED(US) ceased manufacturing CPT tubes, HED(US)'s  
14 business activities with respect to CPT tubes were limited to selling off any remaining CPT tube  
15 inventory. I am informed and believe that HED(US) did not have any new sales activity after  
16 April 2002.

## 17 II. CDT Tubes

18 14. HED(US) never manufactured CDT tubes.

19 15. I am informed and believe that HAL's ELT Division sold CDT tubes in the United  
20 States from 1995 through April 1998; however, records regarding those sales no longer exist.  
21 HAL never manufactured CDT tubes.

22 16. HED(US) sold CDT tubes beginning in November 1998.

23 17. HED(US)'s final CDT tube sale took place on August 28, 2000. Attached hereto  
24 as Exhibit 2 is a true and correct copy of HED(US)'s CDT tube sales data, Bates labeled HEDUS-  
25 CRT00000002, which reflects HED(US)'s final CDT tube sale.

26 18. HED(US)'s CDT tube customers were located in the United States and Mexico.  
27

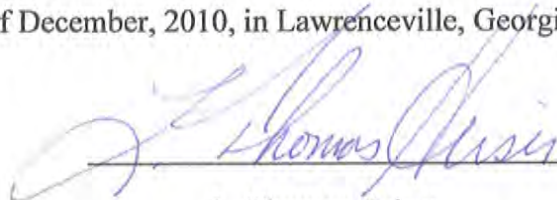
**III. CPT and CDT Finished Products**

19. HED(US) never manufactured or sold CPT monitors or CPT televisions.

20. HED(US) never manufactured or sold CDT computer monitors.

I declare under the penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this \_\_\_\_ day of December, 2010, in Lawrenceville, Georgia.

  
L. Thomas Heiser 12/6/10